

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBERT L. WHITTAKER,

Plaintiff,

v.

JEAN DOE #1, et al.,

Defendants.

No. 4:21-CV-549 SRW

MEMORANDUM AND ORDER

This matter is before the Court upon its own motion. Plaintiff Robert Whittaker's complaint for money damages was received by the Court for filing on May 10, 2021. However, plaintiff neither paid the \$402 court filing fee nor filed a motion to proceed *in forma pauperis* (or without prepayment of fees or costs), along with a certified copy of his account statement. *See* 28 U.S.C. § 1915(a). As such, the Court will allow plaintiff twenty-one (21) days to either pay the full filing fee or file his motion to proceed *in forma pauperis* and account statement.¹ His failure to do so in a timely manner will result in a dismissal of this action, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to mail to plaintiff a copy of the motion to proceed *in forma pauperis* form for prisoners.

IT IS FURTHER ORDERED that plaintiff must either pay the \$402 filing fee **or** submit a motion to proceed *in forma pauperis* within twenty-one (21) days of the date of this Order.

¹The Court notes that plaintiff has accumulated three strikes under 28 U.S.C. § 1915(g), thus unless he was under imminent danger of serious physical injury at the time of the filing of his complaint, the Court will not allow him to proceed in forma pauperis in this action. *See Whittaker v. St. Louis City Justice Center*, No. 4:18-CV-1717 SNLJ (E.D.Mo); *Whittaker v. Unknown Frazier*, No. 4:19-CV-2929 SNLJ (E.D.Mo); *Whittaker v. Cook II Green*, No. 1:19-CV-211 SRC (E.D.Mo); *Whittaker v. Redington*, No. 2:20-CV-12 SNLJ (E.D.Mo).

IT IS FURTHER ORDERED that if plaintiff files a motion to proceed *in forma pauperis*, he must also file a certified copy of his prison account statement for the six-month period preceding the filing of the complaint.

IT IS FINALLY ORDERED that if plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice. If the case is dismissed for non-compliance with this Order, the dismissal will **not** count as a “strike” under 28 U.S.C. § 1915(g).

Dated this 12th day of May, 2021.

/s/ **Stephen R. Welby**

STEPHEN R. WELBY

UNITED STATES MAGISTRATE JUDGE